

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 2173 of 2001 (MS)
(Old No. 864/1999)

Narendra Kumar & others Petitioners

Versus

Praveen Kumar Nagalia & others Respondents

Sri J.P. Joshi, Advocate for the petitioners
Sri S.K. Jain, Advocate for the respondents.

Dated: 24.8.2004

Hon. Rajesh Tandon J.

Heard the learned counsel for the parties.

By the present writ petition the petitioners have prayed for a writ of certiorari quashing the order dated 10.11.1998 passed by the respondent no.19 in Civil Revision No. 111 of 1996 and judgment and decree dated 4.7.1995 passed by the respondent no. 20.

Briefly stated respondent no.1 filed a suit No. 655 of 1992 against the petitioners. The suit was decreed ex parte on 4.7.1995. The petitioners have filed application for setting aside the ex parte decree under Order IX Rule 13 C.P.C. on 3.8.1995. Both the parties have agreed that application under Order IX Rule 13 C.P.C. shall be disposed of on merit by the Civil Judge within one month, after the receipt of the certified copy of this order. However, it is made clear that any order dated 10.11.98

passed in revision on the application of Sri Praveen Kumar, will not come in the way of the petitioner while disposing of the application under Order 9 Rule 13 C.P.C.

Subject to the aforesaid observation, the writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

24.8.2004

*Dhyani